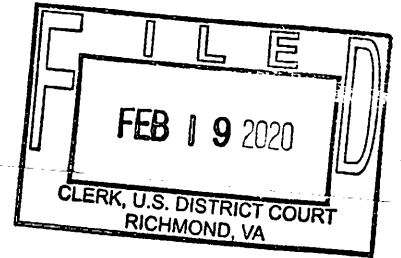


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



LULA WILLIAMS,  
et al.,

Plaintiffs,

v.

Civil Action No. 3:19cv85

MICROBILT CORPORATION,  
et al.,

Defendants.

**ORDER**

By an ORDER entered herein on August 2, 2019, Motions to Dismiss (ECF No. 15, 19, 20, 21, 38 and 40) were referred to the Honorable David J. Novak for report and recommendation.

Having reviewed the REPORT AND RECOMMENDATION (ECF No. 55) entered herein on September 23, 2019, the defendants, Karrie Wichtman and Matt Martorello's objections thereto (ECF Nos. 56 and 57, respectively), the plaintiffs' responses to the defendants' objections (ECF Nos. 58 and 59), and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) DEFENDANT KARRIE WICHTMAN'S OBJECTIONS TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF No. 56) are overruled;

(2) DEFENDANT MATT MARTORELLO'S OBJECTIONS TO MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION (ECF No. 57) are overruled;

(3) The REPORT AND RECOMMENDATION (ECF No. 55) of the Magistrate Judge is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(4) The MOTION TO DISMISS, OR IN THE ALTERNATIVE, MOTION TO TRANSFER VENUE (ECF No. 15) filed by the defendants, Philip Burgess and MicroBilt Corporation, is granted in the part and denied in part. Philip Burgess' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(1) is granted and Count Four of the Complaint is dismissed with respect to Philip Burgess. Philip Burgess' Motion to Dismiss pursuant to Fed. R. Civ. P. 12(6)(5) is denied as moot. MicroBilt Corporation's Motion to Transfer is denied without prejudice;

(5) DEFENDANT MATT MARTORELLO'S MOTION TO DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(2) (ECF No. 19) is denied;

(6) DEFENDANT MATT MARTORELLO'S MOTION TO DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(3) (ECF No. 20) is denied;

(7) DEFENDANT MATT MARTORELLO'S MOTION TO DISMISS THE COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6) (ECF No. 21) is denied;

(8) DEFENDANT KARRIE WICHTMAN'S MOTION TO DISMISS COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(2) (ECF No. 38) is denied; and

(9) DEFENDANT KARRIE WICHTMAN'S MOTION TO DISMISS COMPLAINT  
PURSUANT TO FED. R. CIV. P. 12(b)(6) (ECF No. 40) is denied.

The issues are adequately addressed by the briefs and oral  
argument would not materially aid the decisional process.

It is further ORDERED that an Initial Pretrial Conference  
shall be held at 10:00 a.m. on March 18, 2020 and the Clerk shall  
enter the Scheduling Order and Pretrial Schedule A.

It is so ORDERED.

\_\_\_\_\_/s/ *REP*\_\_\_\_\_  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: February *18*, 2020